



## **CIVIL RIGHTS POLICY**

**INCLUDING NONDISCRIMINATION, TITLE VI, AND LIMITED  
ENGLISH PROFICIENCY PLANS**

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## **COMMUNITY COMMITMENT**

The City of Wyoming envisions a “diverse, strong, and authentic community where all individuals have the opportunity to thrive.” This vision is aspirational. It appreciates the rich diversity of the community’s people, who originate from many nations, speak various languages, practice different faiths, have a spectrum of financial means, experience differing genders and sexuality, may be single or in relationships, exhibit varying physical characteristics, and have varying aptitudes and abilities. Wyoming foresees a community in which all individuals enjoy their cultural heritages but unite in ensuring opportunities for all to thrive.

Wyoming’s mission of “community, safety and stewardship” is also aspirational. Community results when all community members (i) feel included, vital, important, understood, and valued, (ii) are treated respectfully, courteously, and with dignity, (iii) have equal opportunities, (iv) do not suffer unmet needs, and (v) are able to pursue happiness. All persons need to feel safe, be free from intimidation or oppression with their property and physical well-being secure, and be treated impartially, objectively, and compassionately. Stewardship requires (i) prudently using community resources in furtherance of the first two parts of this mission in ways that ensure continued availability of needed resources and (ii) asking community members only for funds reasonably needed.

These aspirations exceed legal requirements. They are affirmative – stating what Wyoming strives to do – rather than negative – stating what Wyoming (and its personnel) will not do. Wyoming actively seeks to fulfill this vision and accomplish this mission. Both guide city decisions. The City Council considers ordinances and resolutions with explanations about how they support this mission.

Myriad state and federal constitutional provisions, laws, rules, regulations, and orders, as well as grant contract obligations, impose civil rights requirements Wyoming must meet.<sup>1</sup> This document is intended to incorporate Wyoming’s affirmative commitments and meet all civil rights policy and plan requirements.<sup>2</sup> It can be (i) posted on the city’s website, (ii) provided to city bodies and city personnel, (iii) provided to inquiring federal and state agencies and officials, and (iv) made available to contractors, residents, and others.

## **NONDISCRIMINATION POLICY**

### **§1 – Adoption.**

City Council approval by a resolution adopted March 15, 2021, makes this official city policy.

### **§2 – Required Compliance.**

All city personnel and all city bodies must comply with this policy. Noncompliance can have the same consequences as noncompliance with any other city policy.

### **§3 – Definitions and Interpretation.**

A. The following definitions apply to words and phrases in this policy unless the context clearly indicates otherwise:

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<sup>1</sup> Civil rights requirements change. Thus, while this policy complies with applicable requirements, it does not cite or quote all requirements to avoid future modifications as the requirements and guidelines change. Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” issued January 20, 2021, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>, sets forth policy goals for the next 4 years, stating in part:

...[T]he Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decisionmaking processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

The order defines “equity” as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities;...LGBTQ+ persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” It defines “underserved communities” as “populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of ‘equity.’”

<sup>2</sup> For example, those in Title VI of the Civil Rights Act of 1964, such as for an LEP plan, as well as under other federal and state law.

1. *Adverse effects* means the totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to the following and which include significant and non-significant effects:

- a. Bodily impairment, infirmity, illness, or death.
- b. Air, noise and water pollution and soil contamination.
- c. Destruction or disruption of man-made or natural resources.
- d. Destruction or diminution of aesthetic values
- e. Destruction or disruption of community cohesion or the community's economic vitality.
- f. Destruction or disruption of the availability of public and private facilities and services.
- g. Adverse employment effects.
- h. Displacement of businesses, farms, or non-profit organizations.
- i. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- j. Denial of, reduction in, or significant delay in the receipt of benefits of the city's programs, policies and activities.

Determinations of significance require considerations of both context and intensity:

- a. *Context* means analyzing the significance of an action in various contexts such as society as a whole, the city as a whole, the affected vicinity or neighborhood, the affected interests, and the property and persons. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area and people affected, rather than a broader context. Both short- and long-term effects are relevant. Noise, dust, added or reduced traffic, and other disruptions during short-term construction are considered less significant than they when associated with long-term operation and use of an improvement.
- b. *Intensity* means the severity of impact and requires evaluating beneficial and adverse effects. Even if, on balance, effects will be beneficial, a project may still have significant adverse effects. If an alternative would provide only a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, it might be significant or non-significant.

Scientific, technical, institutional, public value, cultural consideration, and the local economic conditions influence the significance of effects.

*Non-significant effect* means there is no substantial change to the environment within the project context and therefore has no material bearing on the decision-making process.

*Significant adverse effects on minority and low-income populations* means an adverse effect that:

- a. Is predominantly borne by a minority population and/or a low-income population; or
- b. Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe, or greater in magnitude, than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Final determinations that a project will have significant and non-significant effects and adverse effects will be made by the City Manager.

2. *CDBG* means Community Development Block Grant provided and administered by HUD.
3. *City* or *Wyoming* means the City of Wyoming, Kent County, Michigan.
4. *City bodies* or *Wyoming bodies* means the Wyoming City Council and all boards, bodies and commissions of, created by, or under the purview of Wyoming including, for example, the Downtown Development Authority, Brownfield Redevelopment Authority, Historical Commission, Housing Commission, Community Enrichment Commission, Community Development Committee, and

Economic Development Corporation. (Nonprofit entities contracting with the city to use city facilities or to provide programs or services at city facilities, such as the Wyoming Senior Fellowship and Pinery Park Little League, are city contractors as defined below and must comply with this policy under subsection 7.B.)

5. *City contractors* means any individual or entity, other than city personnel or a city body, that has entered a contract with Wyoming or a city body to provide any goods, services, or programs to or for Wyoming or any city body, including, without limitation (i) the design, construction, installation, maintenance, repair or improvement, or replacement of any city property, (ii) professional services or consultation, (iii) training of any kind, (iv) programs related to parks, the Wyoming Senior Center, TEAM 21 or other after-school program, or other community activities, (v) maintenance or repair of any city vehicles or other personal property, (vi) mowing or snowplowing of city property or rights-of-way, (vii) refuse or waste collection or disposal, (viii) computer or other hardware or software design, supply, or services, (ix) cleaning or janitorial services, (x) CDBG or other HUD program services, and (xi) office, shop, laboratory, or other supplies and equipment.

6. *City Council* means the Wyoming City Council.

7. *City LEP Plan* or *Wyoming LEP Plan* means the City of Wyoming, Michigan Limited English Proficiency (LEP) Plan attached as Appendix A.

8. *City personnel* or *Wyoming personnel* means all elected and appointed officers, employees, volunteers, and other agents of the City of Wyoming when acting in their official capacity or on the city's behalf, including all members of city bodies. This includes personnel of the Wyoming Housing Commission and, except as otherwise limited by applicable law, 62-A District Court personnel.

9. *Civil rights coordinator* means the individual, department or other personnel or body designated to serve as the civil rights coordinator under section 5 of this policy.

10. *Discriminate* or *discrimination* means to treat or impact any individual, group of individuals, or population differently based on race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law. In housing matters, to *discriminate* or *discrimination* also means discriminating against an individual because the source of the individual's income or funds to pay for housing may include state or federal assistance.<sup>3</sup>

11. *Disparate impact* means discrimination occurring when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group, or results in greater adverse consequences (such as harsher sentences) to members of that protected group. Disparate impact focuses on the consequences of a decision, policy, or practice rather than the intent. Therefore, it is possible that decisions made, or actions taken, in a nondiscriminatory manner may still have discriminatory impacts.

12. *Disparate treatment* means discrimination treating similarly situated persons differently because of race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.

13. *DOJ* means the United States Department of Justice.

14. *EPA* means the United States Environmental Protection Agency.

15. *Federal assistance* means (i) grants and loans of federal funds (directly or indirectly through a state or county agency), (ii) grants or donations of federal property or interests in property, (iii) the detail of federal personnel, (iv) training by or on behalf of federal agencies, (v) use of federal equipment, (vi) use federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (vii) any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

<sup>3</sup> Code of Ordinances, City of Wyoming, Michigan, §42-53.

16. *HUD* means the United States Department of Housing and Urban Development or any successor agency.

17. *Interpretation* means oral language assistance.

18. *LEP* or *limited English proficiency* means an inability to understand, speak, read, or write English well or being more proficient in a language other than English. For purposes of this policy, individuals who speak English less than very well are LEP individuals.

19. *LEP Plan* means the Limited English Proficiency Plan attached as Appendix A which is approved as part of this policy and incorporated by reference.

20. *Low-income* means a median household income at or below the USDHHS's poverty guidelines (see <https://aspe.hhs.gov/poverty/>). If CDBG or other HUD funding is involved, "low income" means household income not exceeding 80% of the median family income for the area.

21. *Low-income population* means any readily identifiable group of low-income persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed city program, policy, or activity.

22. *MDOT* means the Michigan Department of Transportation.

23. *Minority*<sup>4</sup> means, for purposes of environmental justice analyses, a person who is:

a. *American Indian or Alaska Native* meaning a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment and also includes state-recognized tribes; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or living outside Indian country; individual members of state-recognized tribes; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.

b. *Asian* meaning a person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.

c. *Black or African American* meaning a person having origins in any of the black racial groups of Africa.

d. *Latinx* or *Hispanic* meaning a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

24. *Minority Population* means any readily identifiable groups of minority persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity.

<sup>4</sup> The definition is based on §2.2.1 of *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, June 2016, EPA, pp 6-7, [https://www.epa.gov/sites/production/files/2016-06/documents/eitg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/eitg_5_6_16_v5.1.pdf), stating:

The OMB defines six racial and ethnic categories:

- ☐ American Indian or Alaska Native;
- ☐ Asian;
- ☐ Black or African American;
- ☐ Native Hawaiian or Other Pacific Islander;
- ☐ White; and
- ☐ Hispanic or Latino.

... [T]hese categories are not necessarily mutually exclusive and cannot simply be added to estimate a total population. For example, Hispanic or Latino is an ethnic category and, as such, may overlap with several categories based on race. Statistical data collected by the federal government, such as the United States Census Bureau, adhere to this classification system.<sup>13</sup> The OMB also does not define what constitutes a minority population. For purposes of E.O. 12898, the term minority means "individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic" A population is identified as minority in an area ... action if "either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis" A minority population exists "if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds" When analysts are evaluating potential EJ concerns ..., they "may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effect." (Citations omitted.)

25. *Noncompliant* or *noncompliance* means a failure to meet prescribed requirements, especially (though not essentially) if there is shown to be a lack of a good faith effort to comply.

26. *Sex* means both sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or a condition related to pregnancy or childbirth.

27. *Subrecipient* means an individual or entity to which Wyoming provides funding, services, materials, supplies, equipment, or training that is directly or indirectly funded by funds from a federal agency, including, for example, CDBG funds.

28. *Translation* means written language assistance.

29. *USDHHS* means the United States Department of Health and Human Services.

30. *USDOT* means the United States Department of Transportation.

B. Identification of a city official by title includes that official's superiors and designee(s).

C. Identification of any federal or state agency by name or any city department by name includes its successor agency or department.

#### **§4 – Policy Components.**

This policy:

A. Assigns roles and responsibilities, and established procedures, for ensuring compliance with this policy and applicable law.

B. Includes requirements to ensure people affected by Wyoming's programs, projects and other activities receive services, benefits, and opportunities to which they are entitled in a nondiscriminatory manner.

C. Prohibits discrimination in all Wyoming programs, projects, services, and other activities, whether they are federally funded or not.

D. Establishes procedures for evaluating impacts of Wyoming programs, services, projects, and other activities to ensure they are not illegally discriminatory.

E. Establishes procedures to periodically review compliance with state and federal nondiscrimination and civil rights requirements.

F. Establishes procedures for filing and processing complaints by persons who believe they suffered discrimination in violation of this policy.

#### **§ 5 – Civil Rights Coordinator.**

Unless another individual, department, city body or city personnel is designated by the city manager, the human resources director will be responsible for implementing, evaluating, and updating this policy, and for policy compliance. Policy compliance may require personnel actions either in staff assignments or due to laudatory or less than appropriate policy compliance. The city manager, finance department and city attorney will, in coordination with the human resources director, provide advice and support for and, as appropriate, undertake actions related to, any accounting, recordkeeping, legal analysis, contract enforcement, initiating or defending legal processes, and other actions needed to implement, evaluate, update and ensure compliance with this policy.

#### **§6 – Policy Statement.**

A. General Statement and Applicability.

Wyoming, Wyoming personnel, and Wyoming bodies must not discriminate in any city program, service, employment, public accommodation, housing, facilities or property access or use, bid or contract, permit or other approval, proceeding, or other activity or action.

1. This includes all aspects of any program, service or other activity, including, without limitation, (i) access, (ii) benefits, (iii) participation, (iv) treatment, (v) contracting opportunities, (vi) training, (vii) complaint investigation and processing, (viii) fund allocation, (ix) project prioritization, (x) personnel



actions, (xii) planning, project development and delivery, (xiii) property acquisition and use, (xiv) construction and installation, and (xv) research, all of which must be, not only nondiscriminatory in treatment, but also nondiscriminatory in impacts or effects.

2. Harassment based on race, color, religion, national origin, age, sex, height, weight, marital status, mental or physical disability, or any other reason prohibited by law is prohibited.
3. All city contractors must also comply with this policy, including the LEP Plan.
4. Wyoming, Wyoming personnel, and Wyoming bodies must comply with the LEP Plan. Noncompliance with the LEP Plan is a failure to comply with this policy.

#### B. Exceptions and Exemptions.

This policy is subject to and does not limit established, constitutional, statutory, or well-settled state and federal exemptions and exceptions, among which are, for example and not for limitation:

1. *Bona fide* occupational qualifications recognized by state and federal agencies and courts are not affected by this policy.
2. Age-, sex- and merit-based distinctions recognized by state and federal agencies and courts (e.g., senior and student discounts, some sex and age classifications in athletics, competitive athletic or other contests, performance-based selections, etc.) remain acceptable under this policy.
3. Legally imposed requirements or limitations (e.g., minimum ages for alcohol or tobacco possession or use, minimum and maximum ages for eligibility for political offices, distinctions between juvenile and adult offenders, juvenile offender programs, veterans courts or programs, and the minimum age to qualify as an elector) are unaffected by this policy.
4. This policy also does not affect religious, expressive, associational, or assembly rights or any other rights established or recognized under the state or federal constitutions or other applicable law (e.g., the federal Religious Land Use and Institutionalized Persons Act) or requirements under constitutions and laws to accommodate religious beliefs and practices.<sup>5</sup>

#### C. Determinations on Exception or Exemptions.

If there is any question about whether an exception or exemption applies to an individual, entity or situation, the individual or entity seeking to apply the exception or exemption shall contact the civil rights coordinator designated under section 5 of this policy for clarification. The civil rights coordinator may consult such other persons as the civil rights coordinator deems appropriate in providing that clarification.

#### D. Additional Requirements.

1. Wyoming, Wyoming personnel and Wyoming bodies will comply with Title VI of the Civil Rights Act of 1964, 42 USC 2000d *et seq.* and all requirements pursuant to it. Wyoming, Wyoming personnel and Wyoming bodies will also comply with Title VII of the Civil Rights Act of 1964, 42 USC 2000e *et seq.* and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, and all requirements pursuant to those statutes.
2. Wyoming, Wyoming personnel and Wyoming bodies will comply with all other applicable federal and state civil rights laws, rules, and regulations and with any applicable executive or agency orders, grant or other contract provisions or other civil rights requirements or obligations.
3. This policy applies except where an applicable federal and state civil rights law, rule, regulation, executive or agency order, grant or other contract provision, or another civil rights requirement is more stringent. In that circumstance, the more stringent requirement will apply.

### §7 – Specific Requirements

A. Except in the limited circumstances in which an exception or exemption is applicable, in applying this policy, Wyoming, including Wyoming personnel and bodies, must not:

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<sup>5</sup> E.g., in December 2020, the U.S. Department of Labor Office of Federal Contract Compliance Programs (“OFCCP”), 85 FR 79324, issued final amendments to 41 CFR Part 60-1, effective January 8, 2021, extending religious exemptions from nondiscrimination provisions in federal contracts.

1. Deny an individual a service, opportunity, or other benefit for which the individual is otherwise qualified.
  2. Provide an individual any service or other benefit that is inferior (in quantity or quality) to, or which is provided in a different manner from that provided others.
  3. Subject an individual to segregated or disparate treatment in any manner related to the individual's receipt of services or benefits.
  4. Restrict an individual in any way from enjoyment of services, facilities or any other advantage, privilege or other benefit provided others.
  5. Adopt or use methods of administration that would limit participation by a group of recipients or subject any individual to discrimination.
  6. Address an individual in a manner that denotes inferiority because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.
  7. Permit discriminatory activity in a facility wholly or partially constructed with state or federal funds.
  8. Deny a segment of the population the opportunity to participate in operations of a planning or advisory body that is an integral part of a federally funded program.
  9. Fail to communicate in a language other than English and provide language assistance to LEP individuals as required or appropriate in accordance with the LEP Plan.
  10. Subject an individual to discriminatory employment practices.
  11. Locate a facility in a way that could limit or impede access to a federally funded service or benefit.
  12. Plan, locate, design, construct, install, reconstruct, reinstall, alter, improve, or replace a city project or improvement so as to have a discriminatory impact.
  13. Fail to treat all individuals with fairness, equity, impartiality, courtesy, and respect.
  14. Knowingly participate with any others, condone, or fail to address the actions of others acting for, on behalf of, or in a contractual relationship with the city and who fail to comply with these requirements.
  15. Take, participate in, condone, or fail to report any retaliation against or intimidation of a complainant, witness, consultant, or other person involved in any complaint or investigation.
- B. All (i) city contracts, (ii) requests for proposals, (iii) invitations to bid, (iv) solicitations of quotes, and (v) other means of seeking information for city contracts must include provisions requiring city contractors to comply with this policy. Those provisions must be in a form acceptable to the city attorney. Unless other language is approved by the city attorney and city purchasing director, the following provision must be included:

**Nondiscrimination and Respect.**

City is committed to equity, fairness, impartiality, courtesy, respect, and nondiscrimination in all its programs, benefits, and actions, including in its contracts and in any activities that contractors, subcontractors, or consultants engage in for or on behalf of City. Accordingly:

1. Contractor and its subcontractors and consultants in (i) employment actions, (ii) solicitation, bidding or contracts with subcontractors or consultants, or (iii) solicitation, bidding or contracts for materials will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law that is unrelated to the employee's or applicant's ability to perform the duties of a job or position. "Sex" means, for purposes of this provision, both sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or a condition related to pregnancy or childbirth. Contractor and its subcontractors and consultants will comply with applicable state and federal laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen Civil



Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, directives and guidance issued pursuant to those statutes.

2. If Contractor or its subcontractors or consultants will, as part of work on this Contract, engage with others for or on behalf of City, Contractor must ensure that engagement (i) treats all individuals with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if that engagement includes communications with individuals with limited English proficiency (*i.e.*, those who speak English less than very well), the engagement will use language assistance services for oral and written communications. Language assistance services in accordance with City's Limited English Proficiency (LEP) Plan will comply with the language assistance requirement.

3. Noncompliance with this provision is a material breach of this Contract that can result in withholding payments to Contractor under this Contract until Contractor complies. It can also result in cancellation, termination, or suspension of this Contract, in whole or in part. Noncompliance can also result in Contractor's ineligibility to bid on or enter future City contracts.

4. Contractor must retain and, upon City's request, provide access to and copies of all information and reports required by all the laws, rules, regulations, orders, directives and guidance referred to in this provision as may be determined by City or by any state or federal agency to be pertinent to ascertain compliance with them. If any information required of Contractor is in the exclusive possession of another who fails or refuses to furnish it, Contractor must so certify to City's purchasing director.

5. Contractor must include provisions of paragraphs 1 through 4 in every subcontract, consultant contract, and documentation for material procurement and equipment leasing relating to this Contract. Contractor must take such action with respect to any subcontractor, consultant, material supplier, or equipment lessor as City deems reasonably necessary to enforce compliance with these provisions including sanctions for noncompliance.

C. As a recipient of state and/or federal assistance, the city gives the following specific assurances:

1. Each city program will be conducted, and each city facility will be operated, in compliance with applicable federal and state laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, without limitation, those within or pursuant to Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973.

2. If the city is, directly or indirectly, a grantee or transferee of the federal government in any interest in real property, buildings, structures, or other land improvements, any document the city uses to convey an interest in or allow use of that real property, buildings, structures, or other land improvements will include a covenant that incorporates any covenant in the document used by the federal government to convey or transfer that real property, buildings, structures, or other land improvements to the city.

3. If the city receives federal financial assistance to construct a facility or part of a facility the assurances in subsections 7.C.1 and 7.C.6 will extend to the entire facility and to all facilities operated in connection with that facility.

4. If the city receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurances in subsection 7.C.1 and 7.C.6 will extend to rights to space on, over or under such property.

5. These assurances obligate the city for the period during which federal financial assistance is extended to its program. If the federal financial assistance is to provide or is in the form of (i) personal property, (ii) real property, (iii) an interest in real property, or (iv) any structures or improvements on real property, these assurances obligate the city for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is

extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the city retains ownership or possession of the property.

6. The city will administer its programs to ensure the city, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under the program will comply with applicable federal and state laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, directives and guidance issued pursuant to those statutes.

7. The city agrees that the United States and state of Michigan have a right to seek judicial enforcement with regard to matters arising under applicable laws and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, directives and guidance issued pursuant to those statutes.

8. These assurances are given in consideration of and for the purpose of obtaining any and all federal and/or state assistance extended to the city and are binding on the city, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants in the state or federal program. The person who signing this policy is authorized to sign these assurances on the city's behalf.

D. Wyoming will actively pursue compliance and prevention of noncompliance with this policy.

E. Any city department heads, other city personnel, or city bodies who become aware of any violations of this policy must promptly report them to the civil rights coordinator.

F. All city personnel observing a violation of this policy must intervene when that violation may endanger the health or safety of any individual or when any other city personnel seem to be acting without reasonable self-restraint. This duty to intervene arises when intervention can occur without endangering the health or safety of other individuals, including other city personnel.

G. City bodies will incorporate the following (or an alternative approved by the city attorney) into their bylaws, rules of procedure, or policies and ensure appropriate notices are provided the public and others about the city's commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. This includes access by persons with impairments or disabilities and those needing language assistance.

## **§8 – Environmental Justice**

City programs, policies, activities, and city projects must be undertaken in ways to avoid significant adverse effects on minority and low-income populations.

A. The city department undertaking or acting as the lead department for the project will initially determine if a minority or low-income population is present within the project area. If the conclusion is that no minority and/or low-income population is present within the project area, the city will document how that conclusion was reached as provided in subsection 8.E.

B. If there are minority population groups and/or low-income population groups present in the project area, the city will determine whether project impacts associated with the identified low income and minority populations are significant adverse effects by examining and considering the factors, context and intensity as stated in subsection 3.A of this policy. If the conclusion is that no minority or low-income population will be subject to significant adverse effects, the city will document how that conclusion was reached as provided in subsection 8.E.

C. If it is determined that there are significant adverse effects on minority or low-income populations, the city will propose measures to avoid, minimize and/or mitigate those significant and disproportionate adverse effects, and/or provide offsetting benefits and opportunities to enhance the minority or low-income populations affected by proposed project.

D. If after mitigation, enhancements and offsetting benefits to the affected populations, there remain significant adverse effects on minority or low-income populations, the following must be considered:

1. Are there additional mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
2. Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the minority or low-income populations?
3. Considering the overall public interest, is there a substantial need for the project?
4. Will alternatives that satisfy the need for the project and reduce impact on protected populations:  
(a) have other social economic or environmental impacts that are more severe than those of the proposed action or (b) have increased costs of extraordinary magnitude?

E. Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **§9 – Administration**

The civil rights coordinator shall, with assistance, as needed, from the city manager, finance director, purchasing director, city attorney, other city department heads, and other persons designated by the city manager, administer this policy.

A. The civil rights coordinator will annually compile from information provided by city departments and other sources statistical data on race, color, religion, national origin, age, sex, and mental or physical disability of participants in and beneficiaries of the city programs, services and activities. Gathering procedures will be reviewed annually to ensure sufficiency of the data for meeting Title VI requirements. If the collected information is insufficient to determine compliance, the city manager will assist the civil rights coordinator in requiring collection and compilation of needed data and other information.

B. The city currently has no “special emphasis programs” as defined in applicable federal and state requirements. If the City has such programs in the future, the civil rights coordinator will review them as required under the applicable federal and state requirements based on annual summaries of their activities, accomplishments, and problems to ensure (i) compliance and (ii) equal participation in all their programs and activities at all levels.

C. The civil rights coordinator will annually communicate with departments receiving federal assistance to (i) review compliance with this policy and with grant or other federal assistance agreements, and (ii) prepare and timely submit any required reports including those required under USDOT and MDOT requirements (e.g., MDOT form #0179 due October 5).

D. The civil rights coordinator will disseminate this policy to all departments and ensure it is posted on the city’s intranet and internet (<https://www.wyomingmi.gov>) websites.

E. The civil rights coordinator will undertake enforcement actions needed to address noncompliance by city personnel, city bodies, city contractors, or others subject to this policy. Remedial actions must be undertaken immediately after confirming noncompliance. Appropriate consequences may then be undertaken against those in noncompliance.

F. A person aggrieved by noncompliance with this policy or an individual suffering discrimination may file a complaint with the civil rights coordinator. (A complaint alleging the civil rights coordinator’s noncompliance may be filed with the city manager.)

1. An aggrieved person or person with information that city personnel, a city body, or a city contractor violated this policy may file a complaint within 180 days of the alleged noncompliance with this policy or alleged discrimination. If the complainant could not have reasonably known of the noncompliance or discrimination within that 180 days, the complainant will have 60 days after becoming aware of the illegal discrimination or noncompliance to file a complaint.

2. Complaints must be in writing and signed by the complainant. Complainants may use the complaint form following this section or may file a written complaint in another form, providing it includes at least the following information. If a complainant is not able to file a written complaint, the complainant or a person assisting the complainant may speak with the civil rights coordinator, who will solicit and record in writing this information. Anonymous complaints, media reports, and unattributed statements will not be considered.

- a. The complainant's name, address, telephone/cell phone number, and e-mail address.
- b. The date of the alleged discrimination or noncompliance and the date of the complaint.
- c. A description of the incident, including (i) where it occurred, (ii) who was present (including names and contact information if known for all who were there), (iii) was discrimination based on race, color, age, disability, religion, national origin, sex, income, or other reasons prohibited by law (iv) a description of the discriminatory or noncomplying acts or statements, and (v) any evidence of discrimination or noncompliance.
- d. The signature of the complainant or the complainant's representative under an attestation that the facts stated in the complaint are true and accurate.
- e. It must be submitted to:

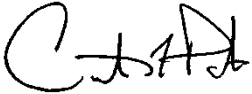
Wyoming Human Resources  
1155 28<sup>th</sup> Street SW, PO Box 905  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

3. After receiving a complaint, the civil rights coordinator shall investigate the complaint in an impartial and objective manner. In doing so, the civil rights coordinator may consult with and seek assistance from any other city personnel and outside legal or other consultants as the civil rights coordinator deems necessary or appropriate. The civil rights coordinator may designate an investigator.

- a. The investigation should (i) to a reasonable extent (some disclosure will be needed to obtain needed information and to allow for a full understanding of facts and circumstances) be confidential to protect the privacy of the complainant, any witnesses, and any person(s) against whom it was made, (ii) focus only on the allegations in the complaint, (iii) include interviews of as many persons who were present or who have relevant knowledge of the incident or circumstances, (iv) be conducted without being defensive, without prejudging the outcome, and without asking leading questions, (v) obtain and maintain copies of any relevant documents, audio or video recordings, photos, texts, e-mails, voice messages, social media postings, and other evidence, (vi) include chronological, contemporaneous notes documenting the investigation, and (vii) be completed, including the report to be made under subsection 9.F.4, within 40 days of receipt of the complaint.
- b. The investigation should not consider (i) any media coverage, media reports, or opinions, except for possible references leading to other sources of information, and (ii) inquiries or allegations by parties claiming an interest in the outcome but not involved in the incident, including labor organization representatives (except for one union representative present during interviews with city personnel), civil rights organizations, media representatives, and other city personnel or city bodies without knowledge of the circumstances.

4. At the conclusion of that investigation, the civil rights coordinator (or designated investigator) shall prepare a written report of the civil rights coordinator's (i) determination of facts, (ii) conclusions as to whether discrimination or noncompliance occurred and who was responsible for that discrimination or noncompliance, (iii) description of the circumstances, (iv) description of any remedial actions, and (v) other information the civil rights coordinator deems relevant. The report must refer to any provision of this policy that was violated or the federal and state laws, rules, regulations, orders, or other requirements that the discrimination violated. The report must reach one of the following conclusions:

- a. Discrimination or noncompliance occurred.
  - b. The complaint is unfounded.
  - c. Currently available information is insufficient to conclude either (i) discrimination or noncompliance occurred, or (ii) the complaint was unfounded.
5. When completed, the report shall be submitted to the city manager, who shall determine what actions to take (i) to remediate the discrimination or noncompliance and/or (ii) as a consequence of the discrimination or noncompliance.
6. The report, together with any additional information of any action taken by the city manager under the preceding subsection 9.F.5 shall be submitted to appropriate federal or state agencies as required by applicable federal and state laws, rules, regulations, orders, or other requirements (e.g., grant contract provisions).
7. Copies of complaints, reports and all associated materials shall be maintained by the civil rights coordinator or city clerk in accordance with the city's records retention policies for at least 6 years.



Curtis Holt, City Manager

**CITY OF WYOMING, MICHIGAN  
CIVIL RIGHTS COMPLAINT**

The City of Wyoming has a comprehensive Civil Rights Policy accessible at <https://wyomingmi.gov> or by contacting the City Clerk at (616) 530-7296. Complaints alleging violations of that policy or illegal discrimination under applicable federal and state laws, rules, regulations, orders, directives, guidelines, or other requirements can be made either by completing and submitting this complaint form or by filing a written letter or other document that provides the same information.

Complaints must be filed within 180 days of the alleged discrimination or other noncompliance with the Civil Rights Policy. If you could not have reasonably known the act or incident was discriminatory or violated that policy within 180 days, you have 60 days after you became aware to file your complaint.

*If you need assistance completing this form, please contact the Human Resources Department by phone at (616) 530-3173 or via e-mail at [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov).*

Complainant's name: \_\_\_\_\_

Complainant's address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Information about person affected by discrimination or violation(s) of the Wyoming Civil Rights Policy.

Affected person's name (if different than Complainant) & relationship to Complainant (e.g., child, spouse, client, etc.):

Address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is the relationship of the complainant to the affected person? \_\_\_\_\_

What city officer, employee or body or what city contractor was involved in the discrimination or policy violation?

On what date(s) did the discrimination or policy violation occur? (Be sure to state the most recent date.)

Indicate below the basis on which you believe the discriminatory or noncompliant actions were taken.

<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion
<input type="checkbox"/> Color	<input type="checkbox"/> Sex	<input type="checkbox"/> Income
<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other reason prohibited by law
<input type="checkbox"/> Height or Weight		

Explain: Please explain as clearly as possible what happened. Include the name(s) and contact information (address, cell #, e-mail address) of witness(es) and others involved in the alleged discrimination or noncompliance. Attach additional sheets if necessary and provide a copy of any written material pertaining to your case.

I attest that the statements in this complaint are true and accurate to the best of my knowledge.

Date signed: \_\_\_\_\_, 202\_\_

When completed, submit to:

Wyoming Human Resources  
1155 28<sup>th</sup> Street SW, PO Box 905  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)



APPENDIX A



**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**  
**MARCH 2021**

1155 28<sup>TH</sup> ST SW, PO Box 905  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
WEBSITE: [www.wyomingmi.gov](http://www.wyomingmi.gov)  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

## **Introduction**

The City of Wyoming (“**Wyoming**” or the “**city**”) adopts and implements this plan to comply with federal Title VI LEP plan requirements. This plan is only a part of the city’s commitment to continually improving services to and communications with residents, businesses and non-profits, guests and others.

On August 11, 2000, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*<sup>6</sup> was issued to clarify Title VI of the Civil Rights Act of 1964 to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. The executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English (sometimes referred to as “**limited English proficient**” or “**LEP**”) are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter and provided:

Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Federal agencies and recipients of federal assistance (e.g., federal grants, grants from state or county agencies using federal funds, training, use of equipment, and donations of surplus property) must comply with Title VI and LEP requirements. Title VI (including LEP requirements) covers all a recipient’s programs and activities, even if only one part of a recipient’s organization receives federal assistance. If an organization receives federal financial assistance it must comply with this executive order.

Among other agencies, including the United States Department of Justice (**DOJ**) and the United States Department of Housing and Urban Development (**HUD**), Wyoming receives funds from the United States Department of Transportation (**USDOT**) via the Federal Highway Administration (**FHWA**), often distributed by the Michigan Department of Transportation (**MDOT**). Therefore, all city programs and activities must comply with Title VI and LEP requirements.

DOJ’s Civil Rights Division issued guidance in May 2011<sup>7</sup> stating that a LEP plan must include at least two components. The first is a self-assessment to determine what types of contact occur with the LEP population. The second is the language access (i) policy directives, (ii) implementation plan, and (iii) procedures. This plan also relies on two additional DOJ guidance documents and two guidance documents from other federal agencies.<sup>8</sup>

## **LEP Plan Self-Assessment Elements**

The DOJ guidance outlined self-assessment elements to be considered including:

1. Understanding how LEP individuals interact with your agency.
2. Identification and assessment of LEP communities.
3. Providing language assistance services.
4. Training of staff on policies and procedures.
5. Providing notice of language assistance services.
6. Monitoring, evaluating, and updating the language access policy directives, plans and procedures.

This plan incorporates these elements as part of the city’s self-assessment.

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<sup>6</sup> The executive order: <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>.

<sup>7</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).

<sup>8</sup> *Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs*, August 2011, [https://www.lep.gov/sites/lep/files/resources/081511\\_Language\\_Access\\_CAQ\\_TA\\_Guidance.pdf](https://www.lep.gov/sites/lep/files/resources/081511_Language_Access_CAQ_TA_Guidance.pdf).  
*Considerations for Providing Language Access in a Prosecutorial Agency*, September 2011, [https://www.lep.gov/sites/lep/files/resources/092111\\_Prosecutors\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/092111_Prosecutors_Planning_Tool.pdf).

*Top Tips from Response to the Survey of Language Access Strategies Used by Federal Government Agencies*, Federally Conducted Committee Federal Interagency Working Group on Limited English Proficiency, September 3, 2008, <https://www.lep.gov/sites/lep/files/media/document/2020-03/TopTips.pdf>.

*Guide to Developing a Language Access Plan*, U.S. Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services – 2018, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf>.

## Element 1 – Understanding LEP Interactions.

Wyoming considered ways LEP individuals may interact with the city as they receive official city or other important communications, participate in city programs, use city services, and have other interaction with Wyoming or its personnel. Interactions include at least the following:

Department	Office/Service	Activities	Possible Interaction(s)
Mayor/Council		Formal meetings Constituent communications	LEP individuals may wish to communicate orally or in writing before, during or following formal meetings They may also wish to participate in meetings
Manager			
	General administration	Public face of city government for all matters	Oral and written communications with LEP individuals may range from critical to merely helpful or informative Manager's office may issue public announcements, emergency communications or other time-sensitive or important information and may issue oral comments Manager's office may reach out to individuals for information or in response to their contacts
	Analytics	Information gathering Information dissemination	Oral & written communications with LEP individuals are possible
	Communications	Internal communications External communications Meeting notices Media inquiries & releases Component unit interface Special events coordination	Any oral or written communications could include LEP individuals
Human Resources			
	Recruitment	Advertising Posting notices Outreach to potential employees or sources Application receipt Application screening Phone, virtual & in-person interviews	Applicants, employees, references or others may be LEP individuals Any oral or written communications could include LEP individuals
	Personnel management	Payroll Benefit administration Drug & fitness testing Reviews Employment contract administration Discipline Retention Separations Training	Any oral or written communications could include LEP individuals
	Complaints	Internal complaints External complaints	Any oral or written communications could include LEP individuals
	Risk Control	Employee safety Internal complaints External inspections, reviews & complaints Contagion response	These are mostly internal functions While it is possible LEP individuals may be included, individual departments served by Risk Control can likely provide needed translation
Purchasing			
	Bidding	Finalize bid specifications & RFPs	Any oral or written communications could include LEP individuals

Department	Office/Service	Activities	Possible Interaction(s)
		Distribute RFPs using lists Oversees compliance with purchasing policies	
	Contract administration	Verify bid compliance including collection of signed copies, bonds & insurance	Any oral or written communications could include LEP individuals
Assessor			
	Real property assessing	Property inspection Assessment notices Exemption reviews Studies	Any oral or written communications could include LEP individuals
	Personal property assessing	Solicitation & collection of statements or affidavits Exemption reviews Assessment notices	Any oral or written communications could include LEP individuals
	Appeals	Board of Review notices Reviews of appeals Noting changes required by Board of Review Tax Tribunal appeals	Any oral or written communications could include LEP individuals
Attorney			
	General counsel	Review & prepare contracts, resolutions, ordinances Advise Council, officers, boards and other bodies Litigation Attend meetings to address legal issues Address some public inquires	Any oral or written communications with persons other than city employees could include LEP individuals While city employees may include LEP individuals, departments served by city attorney can likely provide needed translation
	Prosecution	Review reports Authorize charges Prosecute	Any oral or written communications could include LEP individuals
Clerk			
	FOIA	Provide access to city records Formally respond to FOIA requests	Any oral or written communications could include LEP individuals
	Elections	Receive & approve voter applications Receive, approve & distribute absentee ballots Provide election notices Administer primary & general elections Train election workers Address election-related complaints & inquiries	Any oral or written communications could include LEP individuals
	Licensing	Provides & review city license applications Issue, deny, suspend, revoke licenses Provides license renewals	Any oral or written communications could include LEP individuals
	General questions	Addresses general inquiries for walk-in visitors or general calls to city	Any oral or written communications could include LEP individuals
	Bidding	Collect sealed bids Conduct public bid openings	Most bids are technical documents so bidders most likely are not relying on LEP individuals for communications
Finance			
	Grant compliance	Ensure compliance with grant financial requirements & other requirements	Interaction with LEP individuals is unlikely

Department	Office/Service	Activities	Possible Interaction(s)
	Bill payment	Review & pay invoices to city Vendor set-up	Interaction with LEP individuals is unlikely
	Payroll	Issue payroll checks & direct deposits	Interaction with LEP individuals is unlikely
Information Technology			
	Website (intranet and internet)	Design & update	Accommodation of LEP individuals is important – at least to providing communication aids or direction as to how to avail oneself of accommodation
	Virtual meetings/meeting broadcast	Provide links Provide equipment	Accommodation of LEP individuals is important – at least to providing communication aids or direction as to how to avail oneself of accommodation
	Phone system	Includes Zoom, Skype, MS Teams & other support	Accommodation of LEP individuals is important – at least to providing communication aids or direction as to how to avail oneself of accommodation
	Hearing accommodation	When equipment or software is needed	
Treasurer			
	Tax collection	Send tax bills Collect payment Payment plans	Any oral or written communications could include LEP individuals
	Utility billing & payment	Sending bills Collecting payments Make/manage payment plans	Any oral or written communications could include LEP individuals
	Misc billing & payments		Any oral or written communications could include LEP individuals
Community Services			
	Community Development & CDBG	Grant compliance Housing loan administration Community assistance program contracting & oversight	Any oral or written communications could include LEP individuals
	Inspections	Plan review & approval Plan appeals – Construction Board of Appeals Code enforcement	Any oral or written communications could include LEP individuals
	Planning	Plan review Zoning & appeals Enforcement Master planning Meeting notices Planning Commission & Board of Zoning Appeals	Any oral or written communications could include LEP individuals
	Parks & Recreation	Construction & maintenance Programs TEAM 21 Facility rentals Special events	Any oral or written communications could include LEP individuals There is a higher likelihood of such interaction as part of park programming and facility rentals
	WSC	Fitness facilities Events Space rental Programs Senior assistance Meals	Any oral or written communications could include LEP individuals There is a higher likelihood of such interaction as part of programming and facility rentals

Department	Office/Service	Activities	Possible Interaction(s)
Public Safety			
	Police	Police response Traffic enforcement Investigations	There is a high likelihood of communication with LEP individuals.
	Fire	Fire inspection Fire investigation Fire response Medical response	There is a high likelihood of communication with LEP individuals.
Public Works		All areas prepare or oversee preparation of bid specifications & bid invitations Pre-bid meetings Construction administration	Any oral or written communications could include LEP individuals
	Engineering	Plan preparation Plan review Construction inspections Compiles & maintain pre-qualification lists	Any oral or written communications could include LEP individuals
	Facilities	Maintenance	Any oral or written communications could include LEP individuals
	Streets	Construction Traffic signage & signals	Any oral or written communications could include LEP individuals
	Water Treatment & Distribution	Construction Inspection & sanitizing Water main breaks	Any oral or written communications could include LEP individuals
	Wastewater Collection & Treatment	Construction Inspection Back-ups	Any oral or written communications could include LEP individuals

Oral interactions with LEP individuals may be in-person, virtual (such as via conference calls, Zoom, Skype, Facebook, Facetime, MS Teams, or LanguageLine), especially during remote or partially remote meetings that became common during the COVID-19 pandemic, audio or video recording, or by landline or cellular phones. Written communications may be electronic via e-mail or text, facsimile, web-based or internet, written paper documents and could include media releases, correspondence, plans, meeting and other notices, citations, summons or other legal process, bills or invoices, receipts, information requests, responses to inquiries, other communications.

## Element 2 – Identifying LEP Communities.

Wyoming's population is currently estimated to be a little over 76,000. The Census Bureau has a range of four classifications of how well people speak English: very well, well, not well, and not at all. For planning purposes, Wyoming considers persons that speak English less than very well as LEP persons. The following table shows Census 2011 data for Wyoming:<sup>9</sup>

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	66,466	
English only		83.4%
Language other than English		16.6%
Speak English less than "very well"		50.6% <sup>10</sup>
Spanish or Spanish Creole	8,098	12.2%
Speak English less than "very well"		47.5%
Other Indo-European languages	2,684	1.1%
Speak English less than "very well"		41.8%
Asian and Pacific Islander languages	2,028	3.1%
Speak English less than "very well"		68.3%
Other languages	174	0.9%

<sup>9</sup> This plan will be updated if the 2020 Census shows the numbers of LEP persons changes significantly or shows the languages other than Spanish to significantly change.

<sup>10</sup> This is 50.6% of the 16.6% in the preceding line.



LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Speak English less than "very well"		23.6%

This data indicates a significant number (more than 1 in 20) of city residents are Spanish speakers who do not speak English very well. While there are persons speaking other languages, who do not speak English very well, there are fewer of them and the languages they speak are more diverse.

### **Element 3 – Language Assistance Services.**

There are two types of language assistance services. Interpretation is an oral language assistance service. Translation is a written language assistance service.

Some city personnel are bi- or, perhaps, multi-lingual. Some have Spanish fluency. The city values those employees and seeks to hire bi- and multi-lingual employees. Those employees may, on occasion, be called upon for oral language interpretation or written language translation, and they may or may not be available at any given time or place. At some time, appropriate language proficiency may become a job requirement. Therefore, because such language fluency is not currently a job requirement in all positions in which interactions with LEP persons may occur, this plan does not rely on those current employees.

The city has and will engage one or more language assistance services to provide needed services. LanguageLine Solutions provides interpretation and translation services. It will provide on-site interpretation services that can be helpful at public meetings as well as on-demand remote interpretation services via video conferencing, phone conferencing or mobile conferencing. It will also provide translation services. It appears that it would provide interpretation and translation for all languages Wyoming may need to accommodate with language assistance services. The city has also engaged Fidelity Language Resources LLC, a local entity providing some interpretation and translation services.

Language cards are available so city personnel can ask an LEP person to point to a language on the card to identify the language the LEP person speaks most well. That will enable Wyoming personnel to determine what interpretation and/or translation service may be needed for language assistance.

Some appointed indigent defense attorneys may be bi-lingual. That is a factor in retaining such counsel.

### **Element 4 – Staff Training.**

Department heads are aware of the availability of city-approved language assistance service providers and there is general knowledge of who among staff are bi- or multi-lingual. Training will include heightening sensitivity to LEP issues, use of language cards, and seeking appropriate language assistance.

### **Element 5 – Notice of Language Assistance Services.**

Notices of availability of language assistance are published on meeting agendas and notices as follows (with the appropriate city official's title and contact information being substituted for the city clerk's when appropriate):

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesiten acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

Signage can be added at appropriate places in city buildings such as police and fire buildings, city hall, the court building, the Wyoming Senior Center, and some parks facilities. Similar statements will be written to include in correspondence and official notices.

### **Element 6 – Monitoring, Evaluating, and Updating.**

A LEP coordinator is being appointed to (i) monitor plan compliance, (ii) evaluate whether the plan is meeting its objectives of addressing nearly all situations in which language assistance is needed and, if

not, (iii) recommend any updates or changes to the plan. The coordinator will also evaluate language assistance services and will accumulate and assess data provided in the release of the 2020 Census. City personnel can also be directed to provide data on the use of language assistance services and on interactions with LEP persons to determine whether additional actions are needed such as adding fluency in certain languages as a job requirement for some positions.

## **Policy Directives**

### **1. Purpose.**

Language should not be a barrier for using city facilities and services, interacting with city officers and employees, participating in city meetings and programs, obtaining needed permits and approvals, understanding and complying with requirements and guidelines, seeking assistance, and addressing concerns. This plan recognizes many persons in our community have limited English proficiency and we can fully serve them only with languages with which they are proficient. This plan is intended to comply with requirements in Title VI of the federal Civil Rights Act of 1964 and federal Executive Order 13166 for interactions with or when providing services to persons with limited English proficiency. Compliance is a requirement of federal assistance the city directly or indirectly receives.

### **2. General Policy Statement.**

It is the city's policy to make language assistance services available and/or to use them when needed or appropriate, as determined by the city council, city manager, a city department head, or any of their respective designees, to fulfill this plan's purpose as stated above.

### **3. Compliance is Required.**

By the city council's approval by a resolution adopted March 15, 2021, this Limited English Proficiency (LEP) Plan is official city policy. All **city personnel** (i.e., officers, employees and volunteers), all **city bodies** (i.e., all city boards and commissions, all city-created entities, e.g., the DDA, EDC, BRA, Historical Commission, and CEC) must comply with it. Noncompliance with this Plan can have the same consequences as noncompliance with any other city policy.

All city personnel and all city bodies must promptly report violations of this Plan to supervisory personnel, the Human Resources Director, or the city manager.

### **4. Service Availability.**

Language assistance must be provided when (i) LEP may hinder a person's ability to participate in public meetings, protect rights or property, protect themselves or family members, understand consequences of personal or city actions, or obtain needed assistance, (ii) LEP may hinder emergency planning or responses, (iii) issuing any official notice or other communication of legal significance or other possible consequences and city personnel know one or more of the intended recipients may be a LEP person, or (iv) the city council, the city manager, the city manager's designee, a city department head, the designee of a city department head, or the 62-A District Court deem it necessary, important or prudent to do so. This does not require their use in every communication. However, the availability of language assistance services should be readily apparent in meeting notices, signage in city facilities, city brochures, city invoices and certain other communications as directed by the LEP coordinator designated under this plan.

Language assistance is not required when universal symbols communicate locations or directions. Examples include universal restroom symbols, pedestrian crossing symbols and signals, traffic signage employing universal shapes (such as triangular yield signs, octagonal stop signs, do not enter signage using a red circle in a white square, etc.), lane markings and signage, and red, green, yellow traffic signals.

City personnel are encouraged to provide Spanish language or dual (English and Spanish) language versions of commonly used forms, brochures and other information. Special signage for particular activities, such as signage directing city hall visitors during the COVID-19 pandemic or during elections and signage at city operated special events, should be provided in English and Spanish.

When speaking in-person with a LEP individual, city personnel shall use available language cards to identify a language in which the LEP individual is proficient. Once that language is identified, language assistance should be obtained, from other city personnel, from an available adult family member or friend, or from a city-approved language assistance service. If this interaction occurs during a meeting for which there was no prior

language assistance request, the action about which the LEP individual wishes to speak should be postponed, if reasonable, so that language assistance can be provided and the LEP person can provide appropriate comment or appropriately participate.

When speaking with a LEP individual via telephone or other electronic means and able to identify the language being spoken, the interaction shall be postponed, if reasonable, until appropriate language assistance can be obtained. Sources of language assistance may be the same as for in-person interactions.

When communicating with a person via text or e-mail and it seems the person may be a LEP individual, questions should be asked to ascertain whether the individual is more comfortable communicating in another language and arrangements made for appropriate language assistance. This may involve offers of telephone or in-person communications to facilitate better understanding.

When it is clear a LEP individual is a recipient of written communication that is important because it includes deadlines, expirations, legal rights or obligations, payment requirements, licenses or other approvals, or other important matters, language assistance must be provided. If an adult relative or other person trusted by the LEP individual seems especially competent and able to provide needed assistance, that can be acceptable. But, if there is not an available trusted person who is competent to provide such assistance, then the documents must be translated into the identified appropriate language.

City bodies (*i.e.*, all boards, bodies and commissions of, created by, or under the purview of the city) must incorporate the following into their bylaws, rules of procedure, or policies (or a similar provision approved by the city attorney) and ensure appropriate notices are provided the public and others about its commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. This includes access by persons with impairments or disabilities and those needed language assistance.

Those bodies must include contact information in their meeting notices and meeting agendas and other information for seeking any needed language assistance to participate in or understand actions taken at their meetings.

## **5. Staff Assignments.**

The human resources director or a staff member designated by the human resources director shall be responsible for implementing, evaluating, and updating this plan. Plan compliance may require personnel actions either in staff assignments or due to laudatory or less than appropriate Plan compliance. Position descriptions and requirements may be altered to include certain language proficiencies. Use of language assistance services will require appropriate purchasing, tracking, and accounting.

Departments with bi-lingual or multi-lingual personnel shall make them available to other city officers and departments when reasonably needed and, especially during an emergency or other urgent matter requiring effective communications to preserve lives, property, or the public health, safety, or welfare. The city manager or the city manager's designee(s) may immediately reassign staff for language assistance tasks. In other situations, it is appropriate for departments to make bi- or multi-lingual personnel available to assist other departments with language assistance needs when doing so will not unduly adversely affect the department to which such personnel are assigned. In all circumstances such assignments must comply with applicable collective bargaining arrangements, personnel policies, and applicable law.

The finance department and city attorney will provide advice and support for any needed accounting, record keeping, and legal analysis. The human resources director will assign a member of the city's planning or engineering staff experienced in community outreach for other purposes to assist in outreach to LEP communities. Other departments will provide information and other assistance requested by human resources and purchasing within the reasonably requested response times.

## **6. Training.**

Designated HR staff will include LEP training with the city's ongoing cultural awareness training. That training will include how to use language cards, how to contact and engage bi-lingual or multi-lingual city staff and/or

city-approved language assistance services, how to keep and provide to HR appropriate records of LEP interactions, and when to proactively provide interpretation or translated documents.

## **7. Evaluation.**

Each department will designate a staff member to report quarterly (by October 15, January 15, April 15 and July 15) to the HR designee information for the preceding quarter that might include general reporting or numerical data regarding some or all of the following (i) numbers of interactions with LEP persons, (ii) the languages involved, (iii) whether language assistance services were used, (iv) if language assistance services were not used, why not, (v) what language assistance services were used (e.g., city personnel, a city-approved language assistance service, or other), (vi) whether the assistance was interpretation, translation or both, (vii) the name and cost of the language assistance service, (viii) a description of typical situation(s), and (ix) whether the result seemed satisfactory under the circumstances. For repeated interactions, such as for TEAM 21 members regularly interacting in bi-lingual or Spanish language settings, brief summaries of common interactions will suffice. A staff member designated by the HR with assistance, when needed, from the finance department will verify costs by comparing department reports to reports and/or invoices from language assistance service providers. The purpose to provide a reasonable basis for evaluating the efficacy of city efforts, whether those efforts comply with applicable federal and state requirements, and how those efforts can be improved.

The HR designee, in conjunction with the city's communications specialist and any other person(s) assigned to such work, will reach out to identified LEP communities in the city to determine what deficiencies exist in and what improvements could be made to this plan and its implementation. That outreach will be planned after reviewing reports from departments using 2020 Census data (when available) and contacts gleaned from information provided by departments.

### **LEP Plan Access and Complaints**

A copy of this plan will be posted on or linked to the city's website: <https://wyomingmi.gov> and a copy can be requested at the city clerk's office during normal city business hours. Written requests may also be sent to:

City of Wyoming  
ATTN: Human Resources Department  
1155 28<sup>th</sup> Street SW, PO Box 905  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Complaints about Wyoming LEP compliance, this plan, or the implementation of this Plan can also be sent to the same address. Complaints will be investigated by the city's human resources staff in cooperation with the city manager's office and city attorney. No special form or format is required (though, if desired, complaints can be filed on the same form as for other civil rights complaints provided under the city's Civil Rights policy). Persons making complaints should (i) include a description of the situation or concern, (ii) identify the persons involved or who may have witnessed the situation, (iii) state the date, time and place of its occurrence, (iv) state why it is concerning, (v) if appropriate, indicate what should have been done differently, and (vi) state what action(s) are now desired.

**APPENDIX B**

I have received and read the City of Wyoming Civil Rights Policy that also includes the Limited English Proficiency Plan attached as Appendix A to that policy (together, the "Civil Rights Policy").

I acknowledge I must comply with the Civil Rights Policy and consequences for noncompliance are the same as for noncompliance with other policies.

I understand that if I have any questions about the Civil Rights Policy, its implementation, or what it requires of me, I should ask my supervisor.

I understand the City of Wyoming can modify the Civil Rights Policy at any time.

I understand that, during any work for the City of Wyoming, I am expected to act in a professional manner, and to treat all persons with fairness, impartiality, courtesy, dignity, and respect.

Employee signature: \_\_\_\_\_ Date signed: \_\_\_\_\_, 2021

Employee's name printed: \_\_\_\_\_